

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed March 30, 2004. Claims 1-37 were pending in the Application. Claims 1-28 stand rejected, and Claims 29-37 stand withdrawn. Applicants amend Claims 1, 8, 15, and 22 to advance prosecution. Applicants also add new Claims 38-45. Applicants respectfully request reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. §102

The Examiner rejects Claims 1-28 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,920,817, which issued to Umeda, et al. ("Umeda"). To anticipate a claim, a single prior art reference must describe, either expressly or inherently, each and every element of the claim. M.P.E.P. §2131.

Applicants' independent Claim 1, as amended, recites:

A mobile unit comprising:
a wireless interface operable to:
couple to an initial base transceiver station (BTS) using an initial wireless link;
receive an indication to use a selection group in response to an initial metric associated with the initial wireless link falling below a threshold, wherein the selection group comprises a plurality of BTSs and the indication indicates to couple to the plurality of BTSs in the selection group using separate wireless links;
couple to a first BTS in the selection group using a first wireless link;
couple to a second BTS in the selection group using a second wireless link;
receive a first graded packet from the first BTS using the first wireless link, wherein the first graded packet includes a first metric associated with the first wireless link; and
receive a second graded packet from the second BTS using the second wireless link, wherein the second graded packet includes a second metric associated with the second wireless link; and
a processor operable to compare the first metric and the second metric and to select either the first graded packet or the second graded packet based on the comparison.

Applicants respectfully submit that *Umeda* fails to disclose every element of this Claim.

Among other aspects of Claim 1, *Umeda* fails to disclose a wireless interface operable

to:

couple to an initial base transceiver station (BTS) using an initial wireless link;

receive an indication to use a selection group in response to an initial metric associated with the initial wireless link falling below a threshold, wherein the selection group comprises a plurality of BTSSs and the indication indicates to couple to the plurality of BTSSs in the selection group using separate wireless links;

couple to a first BTS in the selection group using a first wireless link; [and]

couple to a second BTS in the selection group using a second wireless link.

For at least these reasons, Applicants respectfully request the Examiner to reconsider the rejection of independent Claim 1. For analogous reasons, Applicants request the Examiner to reconsider the rejection of independent Claims 8, 15, and 22. Claims 2-7, 9-14, 16-21, and 23-28 depend from Claims 1, 8, 15, and 22 respectively. Thus, for at least the same reasons discussed above, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1-28.

New Claims

Applicants add new Claims 38-45, which are fully supported by the specification as originally filed. Applicants respectfully request the Examiner to consider and allow new dependent Claims 38-45.

CONCLUSION

Applicants have made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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